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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRIENDS OF HAMILTON GRANGE and	:
DR. JOHN CARDWELL,	:
	:
Plaintiffs,	:
v.	:
	:
DIRK KEMPTHORNE, Secretary of the Interior;	:
U.S. DEPARTMENT OF THE INTERIOR;	:
MARY A. BOMAR, Director of the National	:
Park Service; NATIONAL PARK SERVICE; and	:
MARIA BURKS, Commissioner of National Parks	:
of New York Harbor and Superintendent of	:
Manhattan Sites,	:
	:
Defendants.	:
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08 Civ. 5220 (DLC) (FM)

DECLARATION OF JODIE PETERSEN

Jodie Petersen, pursuant to the provisions of 28 U.S.C. § 1746, declares as follows:

1. I am a Project Manager for the Design and Construction Branch of the National Park Service ("NPS") in its Denver Service Center. I have been employed by the NPS for seventeen years in construction projects, planning efforts and design, and have over 25 years of park planning, design and construction experience. I am a Registered Landscape Architect, a

certified Project Management Professional through the Project Management Institute, and a Leadership in Energy and Environmental Design (“LEED”) Accredited Professional.

2. I have been a Project Manager for NPS for the past four years. As Project Manager, I plan and execute projects which contribute to the protection, restoration and maintenance of natural and cultural resources. In June of 2005, I became the Project Manager assigned to the Hamilton Grange National Memorial (the “Grange”). My job responsibilities include monitoring project schedules and budgets, coordinating the project team, and maintaining project files. In this capacity I am familiar with the architectural and engineering aspects of the project to move the Grange from Convent Avenue to St. Nicholas Park.

I. RELOCATION OF THE GRANGE TO ST. NICHOLAS PARK

3. On July 26, 2007, NPS Denver Service Center opened the solicitation for bids on the project to relocate the Grange. The construction contract for the Grange project was awarded under full and open competition on September 24, 2007, and a Notice to Proceed was issued to the contractor on November 19, 2007. Construction for the Grange relocation began on December 21, 2007, with the erection of construction fencing at Convent Avenue and St. Nicholas Park. Excavation for the new foundation construction began on January 24, 2008.

4. Prior to the present project to relocate the Grange, the Grange had been sandwiched between a church and apartment complex on Convent Avenue. Extracting the Grange from its location without damaging the adjacent church or the Grange itself required extraordinary care and planning. Specifically, in order to relocate the Grange from its current location at 287 Convent Avenue to the site in St. Nicholas Park, NPS had to raise the Grange from its foundation to move the building via roller beams over the loggia of the adjacent church

and then lower the Grange into the roadway of Convent Avenue. The Grange was raised off its foundation on May 1, 2008, and placed into the roadway on May 27, 2008. Photographs depicting the move from its previous location on Convent Avenue to the street are attached hereto as Exhibit 1.

5. NPS obtained project permits from New York City agencies to allow the building to be temporarily located in Convent Avenue. Street access for vehicles and pedestrians was closed or limited to accommodate the temporary presence of the Grange in Convent Avenue. NPS began the procedure to obtain these permits on November 19, 2007, and did not complete the process until May 16, 2008.

6. Concerns for public safety have been the highest priority of NPS during the relocation of the Grange. NPS has been working closely with the New York City Department of Parks & Recreation ("NYCDPR"), the New York Police Department, the Fire Department of New York, the City College of New York ("CCNY"), the New York City Department of Transportation, the local neighborhood community and others to ensure that all safety precautions were employed and disruptions minimized during the building's move.

7. In anticipation of the June 7, 2008 scheduled move of the building to St. Nicholas Park, street access by vehicles and pedestrians was closed on portions of Convent Avenue, 141st Street, and Hamilton Terrace. These road closure permits expired on June 9, 2008, and June 7, 2008, respectively. Public bus routes were altered to accommodate the building's move.

8. On June 7, 2008, the Grange was moved along Convent Avenue and into St. Nicholas Park. The Grange is currently sitting on a temporary foundation atop an earthen pad adjacent to the permanent foundation system currently under construction at St. Nicholas Park.

9. From June 7, 2008 until approximately June 21, 2008, the Grange will remain on temporary support structures in St. Nicholas Park. During this time, work on the permanent foundation within St. Nicholas Park continues, and contractors and engineers will determine when the concrete walls are strong enough to support the Grange.

10. On approximately June 21, 2008, but possibly as early as June 19, 2008, the Grange will be relocated to rest on the permanent foundation. During the following two weeks, the last stage of the permanent concrete foundation will be completed, the temporary foundation structure removed, and the Grange will be affixed to the permanent foundation.

11. It is critical that the Grange be put onto a properly engineered foundation as soon as possible to minimize damage to the original, historical material put into the house by Alexander Hamilton during the building's construction (known as the "historic fabric"). There are currently stress cracks in the building, creating vulnerable conditions for the historic fabric's integrity and structural integrity of the Grange. For this reason, in planning and orchestrating the move, NPS made every effort to minimize the amount of time the Grange would remain on a temporary foundation structure.

12. The permanent foundation is approximately 70% complete. The foundation has been specifically designed and built to accommodate a northeast orientation for the Grange.

13. Since the design process for the preservation and renovation of the Grange began in 2004, NPS has spent \$2,951,166 on the project.

II. SUBSTANTIAL DELAYS AND COSTS WOULD RESULT IF NPS IS REQUIRED TO REORIENT THE GRANGE TO THE SOUTHWEST

14. NPS has constructed the permanent foundation to orient the Grange in a northeastern direction. If NPS is required to change the orientation of the foundation from

northeast to southwest, at a minimum, significant portions of the existing foundation would have to be demolished and reconstructed on the same site in order to accommodate the rotated interior layout. This scenario of demolishing significant portions of the foundation and rebuilding on the same site could only be accomplished if NYCDPR permitted the removal of a specimen tree that would need to be removed in order to accommodate the reorientation of the Grange in its present location ("Scenario 1"). If NYCDPR did not permit the removal of the specimen tree, the entire foundation would have to be moved and, accordingly, the existing foundation would need to be completely demolished and rebuilt at least fifteen feet away pursuant to NYCDPR requirements to avoid removal of specimen tree ("Scenario 2")

15. Requiring a new orientation in either scenario will result in significant delay and costs stemming from, among many other considerations, halting a project that is substantially underway, obtaining architectural and engineering redesign of the foundation and site, securing approval letters from various regulatory entities, and conducting all necessary compliance efforts. I have analyzed costs associated with construction, construction management, architectural/engineering ("A/E") redesign, renewed compliance efforts and additional expenses in both scenarios.

17. In both scenarios, demolition of substantial parts or all of the existing foundation, and the subsequent new construction of the foundation, would require approximately 240 days.

The 240 days may be broken down as follows:

42 days for Redesign Effort
56 days for New Compliance Efforts
70 days for Demolition and Reconstruction
72 days for Winter Shut Down
240 Days (Total)

These estimates are based upon the time spent to complete design, compliance, and construction to date for the Grange project.

18. The time estimate provided is conservative, and additional time could very well be needed. For example, a 42-day, or six-week, estimate for redesign is an aggressive schedule. A multi-disciplinary architectural engineering ("A/E") team consisting of Historical Preservation Architects, Structural Engineers, Civil Engineers, Mechanical Engineers, Electrical Engineers, Landscape Architects and CADD technicians would need to review current construction documents, redesign the project, and document the modifications. Necessary documentation includes, among other items, revising cost estimates, drawings, and specifications. Similarly, compliance efforts would involve multiple parties, including the New York State Historic Preservation Office, the New York City Department of Parks and Recreation, New York City Arts Commission, the New York City Landmarks Preservation Commission and the Advisory Council on Historic Preservation. It is by no means certain that any of these parties would concur with redesign plans, further extending the time delay and cost of the project beyond the estimates presented here.

19. NPS has budgeted certain funding to complete the renovation of the Grange once

the building is placed on its permanent foundation. If the Grange had to be reoriented under either of the possible scenarios, there would be significant costs of delaying the project, including redesigning and reconstructing the foundation. The amounts are in addition to the budgeted amounts to complete the renovation. Those additional costs are listed below:

Extended Field Overhead Cost Summary: **\$1,569,600**
 (\$6,540/ day x 240 days)

The \$6,540 per day cost is based on the current construction contract and includes contractor labor costs, contractor equipment costs, contractor material costs, contractor home office overhead costs, and subcontractor costs.

Redesign Effort **\$150,000**

Redesign work is estimated at \$150,000 and based on hourly rates of the A/E for the design of the Grange's current foundation.

New Compliance Efforts **\$20,000**

The A/E team will be required to develop letters, design drawings, project narratives, and specifications for NPS's use during consultation.

Permits **\$20,000**

NPS will need to provide documentation and filing fees to secure permits from several New York City agencies. NPS would need these permits before construction could begin but there is no guarantee they could be obtained quickly.

Specimen Tree Removal (Only in Scenario 1) **\$215,250**

NPS would be required to provide restitution for the removal of a 50 inch Pin Oak. This cost is estimated by using the NYCDPR's formula.

Collection Storage **\$12,800**
 (\$1,600 per month x 8 months):

If the Grange is not completed at the currently scheduled time, temporary storage currently housing the museum collection would need to be extended.

Partial Demolition and Rebuilding of Foundation (Scenario 1) **\$816,921**

NPS estimates for reconstruction on approximately 75% of the existing foundation completed to date.

Demolition and Rebuilding of Foundation (Scenario 2) **\$1,089,201**

NPS estimate based on complete demolition of the existing foundation work completed to date and new foundation construction.

Construction Management **\$261,360**

(\$1,089 / day x 240 days)

NPS would need on-site inspection and administration of the construction. These costs are based on NPS's current contract for Construction Management for the Grange project.

Architectural/Engineering Services during Construction **\$50,000**

The NPS will need an A/E firm during construction to provide technical services.

Escalation **\$64,000**

NPS estimates an increase in contract costs based on a six percent inflation rate.

Termination Costs **\$1,575,000**

If delays stemming from a requirement that NPS reorient the Grange necessitate termination of the current contract, which is substantial possibility in light of the significant time that will be needed to reformulate the project, the Government might incur costs associated with the contractor's termination.

Security **\$432,000**

Providing security for the redeveloped construction site.

Engineering and Geo-technical Studies **\$20,000**

A new orientation for the Grange would require that a new construction access route be cut into the St. Nicholas Park area directly adjacent to the CCNY Engineering Building. The foundation system of the CCNY building is not known and additional engineering and geo-technical services would be required to ensure its stability.

Cost Impact of Reorientation	Scenario 1	Scenario 2
Security	\$432,000	\$432,000
Extended Field Overhead Costs	\$1,569,600	\$1,569,600
Redesign work	\$150,000	\$150,000
Escalation	\$64,000	\$64,000
Demolition and Rebuilding of Foundation	\$816,921	\$1,089,201
Construction Management	\$261,360	\$261,360
Compliance Cost	\$25,000	\$25,000
Engineering and Geo-technical Studies	\$20,000	\$20,000
Specimen Tree Removal	\$215,250	n/a
Collection Storage	\$12,800	\$12,800
Permits	\$20,000	\$20,000
A/E Services During Construction	\$50,000	\$50,000
TOTAL COST NOT INCLUDING CONTRACT TERMINATION	\$3,636,931	\$3,693,961
Possible Cost for Contract Termination	\$1,575,000	\$1,575,000
TOTAL COSTS INCLUDING CONTRACT TERMINATION	\$5,211,931	\$5,268,961

20. These estimated additional costs would exceed the amount that has been budgeted for this project. Accordingly, Congressional authorization would be required in order to expend these additional sums. For all these reasons, requiring NPS to reorient the Grange would involve substantial work and delay, the substantial expenditure of taxpayer dollars, and could jeopardize NPS's ability to complete the project.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Denver, CO

June 12, 2008

A handwritten signature in black ink, appearing to read "Jodie Petersen", is written over a solid horizontal line.

JODIE PETERSEN

Exhibit 1



